

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

N/A Pd. 3-13-86
mt/vocate 84-C-889-B

69-CR-34

dm

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. Leo Lawrence and Larry Wayne Dillard	For U. S.: Hubert H. Bryant Jack Morgan (2255) Assistant United States Attorney 3600460 U.S. Courthouse Tulsa, OK 74103 (918) 581-7463 For Defendant: S.S. Lawrence, (Ct. Appt.) Wright Bldg. Tulsa, Oklahoma 584-5405
Lawrence-Closed Dillard-Closed	Leo Lawrence (2255) #94456 P.O. Box 226 Stringtown Correctional Center Stringtown, OK --- 74569 Oklahoma State Penitentiary P.O. Box 97 McAlester, Oklahoma 74501 74502-0097

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 4-30-69	Clerk				
J.S. 3 mailed 6-2-69(2)	Marshal				
Violation Enter FDIC Ins. Bk to Commit Larceny Title 18	Docket fee				
Sec. 2113(a)					

DATE	PROCEEDINGS
4-2-69	Record Vote of the Grand Jury, filed in open court. b
4-2-69	Indictment, filed in open court. b
4-22-69	Defendants Leo Lawrence and Larry Wayne Dillard, each present in person and each represented. Defendants each arraigned, each receive copy of Indictment, and defendant Leo Lawrence enters a plea of NOT GUILTY. Defendant Larry Wayne Dillard enters a plea of NOT GUILTY, and case as to each defendant to be set on next jury docket. (AEB-J)h
5-6-69	Defendants, Leo Lawrence and Larry Wayne Dillard each present in person and each represented. Defendant Leo Lawrence withdraws plea of NOT GUILTY and enters plea of GUILTY, and is adjudged GUILTY as charged. Defendant Larry Wayne Dillard withdraws plea of NOT GUILTY and enters plea of GUILTY, and is adjudged GUILTY as charged, and sentence passed pending pre-sentence report. (AEB-J)h
5-12-69	Case set for sentencing as to each def. on 5-15-69 at 10:30 A.M (AEB-J)h
5-15-69	Defendants Leo Lawrence and Larry Wayne Dillard each present in person and each represented.
	Judgment and Sentence- Leo Lawrence (Age 20) Attorney General- 15 years.

DATE	PROCEEDINGS
	<p>IT IS FURTHER ORDERED that the period of sentence imposed in this case shall run concurrently with the period of sentence imposed on an Oklahoma State charge, to be served in Oklahoma State Penitentiary, McAlester, Okla.</p> <p>Judgment and Sentence- Larry Wayne Dillard (Age 20)</p> <p>Attorney General - 15 years.</p>
5-16-69	<p>IT IS FURTHER ORDERED that the period of sentence imposed in this case shall run concurrently with period of sentence imposed on an Oklahoma State charge, to be served in Oklahoma State Penitentiary, McAlester, Oklahoma.(AEB-J)h Hearing held on correction of sentence. Defendants each present in person and each represented. It is adjudged that the sentence be corrected as follows:</p> <p>IT IS ADJUDGED that the defendant Leo Lawrence be delivered to authorities of Creek County, Oklahoma, to immediately commence serving the Seven (7) year sentence imposed on the defendant in District Court, Creek County, Oklahoma, on March 4, 1969. THE COURT RECOMMENDS that the Atty. Gen. designate the Okla. State Penitentiary as the institution in which defendant is to serve his federal sentence so long as he is incarcerated by the State of Oklahoma.</p> <p>IT IS ADJUDGED that the defendant Larry Wayne Dillard be delivered to authorities of Creek County, Oklahoma, to immediately commence serving the Seven (7) year sentence imposed on the defendant in District Court, Creek County, Oklahoma, on March 4, 1969. THE COURT RECOMMENDS that the Attorney General designate the Oklahoma State Penitentiary as the institution in which defendant is to serve his federal sentence so long as he is incarcerated by the State of Okla.(AEB-J)h (It is the intent of this court that this sentence as to each defendant run concurrently with that part of the State Sentence)</p>
9-20-71	<p>Return on Judgment and Commitment (U.S. Marshals Return), filed.</p> <p>Served Larry Wayne Dillard at Okla. City, Okla. on 8-26-71 & also on that date delivered him to the Federal Reformatory in El Reno, Okla..v</p>
9-25-72	<p>Return on J&C, filed. Delivered Leo Lawrence to USP, Terre Haute, Ind. on 9/10/72. xxx rm</p>
11-2-84	<p>(84-C-889-137) Leo Lawrence MOTION to vacate sentence. kg (ltr & copy to AUSA & mvt.) 11-13-84 called USA-Jord hwp.</p>
11-9	MOTION for leave to proceed in F/P. (O to J)hm
11-15	ORDER permitting movant to file and maintain action to conclusion w/o prepayment of fees or costs. (TRB-J) kg c/m
11-16	ANSWER in response to motion (2255) of respondent. kg
11-28	TRAVERSE of movant, to govt response to motion pursuant to 28 USC 2255. kg
12-12	SUPPLEMENT of respondent to ans in resp to mo pursuant to 28 U.S.C. 2255. tj
1-28-85	MOTION/purs. 28 USC 2255 referred to MAG.(TRB-J)jc(c/KT)
3-25	NOTICE to ptys case set for tele.conf.on mo/deft to Vacate Sentence before MAG. 4-10-85 at 3:30 P.M.(RSR-MAG)jc (n/ptys by KT)
4-11	MIN: TELEPHONE CONF. call hrg on mot/vacate sentence: conf. call stricken to be reset by MAG. (RSR-MAG) kg(No c/r)
4-24	NTC: CASE SET for Tele. conf. on mot/Leo Lawrence to Vacate Sent before MAG on 5-14-85 at 2:30 p.m. (RSR-MAG) kg

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs LEO LAWRENCE & LARRY WAYNE DILLARD

69-CR-34-B

AO 256A

Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
5-14-85	NTC	CASE set for telephone conf. call hearing on mot of Lawrence to vacate sent. before MAG on 5-24-85 at 2:00 p.m. (RSR-MAG) kg				
5-24	MIN	TELEPHONE CONF. Call hearing before MAG on mot of Leo Lawrence to Vacate Sent. and deft's mot/dismiss; telephone conf call conducted & pltf to submit additional brief w/i 10 days. (RSR-MAG) kg (no cr)				
8-14		BRIEF by pltf in support of motion purs. to 28 USC section 2255.jc				
10-2	NTC	Status Conf. by telephone, on 10-21-85 at 4:00 p.m. (JLW-M) c/m/KT ag				
10-21	MIN	TELEPHONE status conf. petitioner convicted on a plea of guilty, he contends plea was not a knowing, voluntary or intelligent plea. Govt obligated to provide record establishing voluntariness of plea. Govt. contends petition constitutes a delayed mo/under rule (9) & has been prejudiced in its ability to respond to motion by delay in his filing. Mag. to ascertain whether or not a transcript of the plea exists. (JLW-Mag) ag				
11-6		APPLICATION of pltf to respond to movant's brief in support of motion out of time. (OtoJ) ag				
11-15		ORDER RE: appl of pltf to respond to movant's brief, the govt. has 20 days after the date it is determined if there is a transcript available of the guilty plea of 5-6-69. (TRB-J) ag c/m				
12-6		RESPONSE of Govt. to mvt.'s brief. ag				
12-13		TRAVERS of deft., Lawrence to the govt. resp. to mvt.'s brief. h				
<u>1986</u>						
2-19		FINDINGS & recommendations of Mag. ag (JLW-MAG) (O & copies of F/R in Ho's box) c/m				
3-12		ORDER adopting Mag. F/R denying defts mo/vacate. ag (TRB-J) c/m EOD: 3-12-86 ENTERED				
3-12		ORDER affirming F/R of Mag. & adopted as the F/C of the Ct. denying defts mo/vacate. ag (TRB-J) c/m EOD:3-13-86 ENTERED				
3-13		NOTICE OF APPEAL by Deft. from the O's of 3-12-86. pt (no fees necessary--IFP granted 11-9-84) cps/mld&USCA (Civil No. 84-C-889-Bt)				

Interval (per Section II) | Start Date | End Date | Ltr. Total Code Days

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U.S.A. vs LEO LAWRENCE, ET. AL.

69-CR-34Bt

AO 256A

PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
DATE 1986	(Document No.)	(a)	(b)	(c)	(d)
3-31	-- LETTER recd. from 10th Cir. assigning Appeal No. 86-1362; & Deft. will be advised of any further requirements at a later date. pt				
4-1	-- APPEAL RECORD , Vol. I, transmitted to 10th Cir.pt				
10-27	ORDER & JUDG. of 10th Circuit, affirming. rm				

UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Benjamin B. Ballenger
(Name of commissioner)411 U. S. Court House, Tulsa, Oklahoma
(Address)COMMISSIONER'S
DOCKET NO. 1 CASE NO. 475
THE UNITED STATES
vs.Larry Wayne Dillard (20)
and
Leo Lawrence (21)Complaint filed on March 3rd, 1969, by John R. DeWitt
Official title Special Agent, F.B.I., charging violation of
United States Code, Title 18, Section 2113, on March 3rd
1969, at Bristow in the
division of the Northern district of Oklahoma
as follows: forcibly enter American National Bank,
Bristow, Okla., with intent to steal monies which
were in the care, custody and control of said bank
which is insured by the F.D.I.C., under certificate
4048-7, dated October 16, 1969

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date March 3, 1969 Warrant/Summons for Larry Wayne Dillard
(Name of defendant)
to (name and title of officer) the United States Marshal or any other authorized officer;
Substance of return Larry Wayne Dillard arrested March 3, 1969 at Bristow, Oklahoma,
by John R. DeWitt, Special Agent, F. B. I.
Date March 3, 1969 Warrant/Summons for Leo Lawrence
(Name of defendant)
to (name and title of officer) the United States Marshal or any other authorized officer;
Substance of return Leo Lawrence arrested March 3, 1969 at Bristow, Oklahoma, by
John R. DeWitt, Special Agent, F. B. I. FILED

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date March 3, 1969 Arrested by John R. DeWitt
Spec. Agt., F.B.I. M. M. EWING, CLERK
MAR - 4 1969 Warrant of Ballenger
(Name of issuing officer)Appearances { for United States Hubert H. Bryant, District Court Attorney
(Name) (Address)
for accused
(Name) (Address)Proceedings taken March 3, 1969, Defendants, Larry Wayne Dillard and Leo Lawrence,
(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"

each present in person and neither represented by counsel, each advised

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
as to their rights to counsel and a preliminary hearing, defendants

if that is the fact; any adjournments taken, etc.

each waive counsel and each waive a preliminary hearing. Waivers of
counsel signed. Mr. S. S. Lawrence appointed to represent each of
the defendants. Bonds are fixed in the amount of \$40,000.00 each,
defendants could not post bond and they were committed to the U. S.
Marshal to be held for Court Action.

Outcome Failure to post bond and each held for Court Action

Bail fixed March 3rd, 1969 Amount, \$ 40,000.00 Bonded, 19, by cash
deposited by (name) Address
transmitted to clerk of district court, 19 [or] by surety
(name) Address
(name) Address who
justified by affidavit dated, 19, [or] committed to custody of the U.S. Marshal
on March 3rd, 1969

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date _____ Appearances for _____

United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken _____

Outcome _____

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 3rd day of March, 19 69

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, March 3rd, 1969.


Benjamin B. Ballenger

United States Commissioner.